



Licensing Act Sub-Committee - Record of Hearing held on Monday 8 August 2005 at 6.00pm

MEMBERS: Councillor Mrs MURRAY (Chairman); Councillors Mrs SIMS (as substitute for Harris), and WARNER.

(An apology for absence was reported from Councillor Harris).

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for The Eagle Public House, 57 South Street.

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Licensing Manager outlined the report detailing the application from Ms Sarah Jane Saunders for the conversion and variation of a premises licence in respect of The Eagle, 57 South Street. The Sub-Committee was advised that the number of "event days" per year requested had been reduced to 12.

Written representations had been received from Mr and Mrs Wagstaffe concerning the density of pubs in the area and the potential for further noise nuisance and an increase in crime and disorder if the extended hours were granted. Reference was made to the soundproofing of the premises and the potential for noise if live bands were permitted to perform later than 11.00pm. Mr and Mrs Wagstaffe were not present at the meeting.

The Licensee, Miss Sanders was present and addressed the Sub-Committee. Miss Sanders acknowledged the concerns raised in respect of noise and indicated that although the external doors remained open, the internal doors and windows were kept closed at all times. A letter from the applicant to the objectors in response to the concerns raised was circulated at the meeting.

The Sub-Committee then retired to consider and determine the application having regard to the four licensing objectives, the Council's Statement of Licensing Policy and the representations received.

RESOLVED That the variation application in respect of The Eagle Public House, 57 South Street be granted as set out in the attached appendix.

The meeting closed at 7.30 p.m.

**Mrs A Murray
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 8 August 2005

Applicant: Sarah-Jane Sanders

Premises: The Eagle
57 South Street
Eastbourne
BN21 4UT

Reasons for Hearing: A relevant representation was received from local residents as interested parties in connection with the licensing objectives concerning noise and disturbance late at night and an increase in crime and disorder.

Interested Parties in attendance: Applicant - Miss S J Sanders

Decision made: To grant the variation of the Premises Licence as follows:

Sale of Alcohol:

Standard hours - Monday to Sunday 10.00 – 00.30

Non-standard hours - Bank Holiday weekends (Friday, Saturday, Sunday & Monday), Christmas Eve, Boxing Day, New Year's Eve - New Year's Day and up to 12 other "event days" at the discretion of the licensee and which the Police have received written notification – 10.00 – 01.00.

Open to the Public:

From 10.00 in the morning - thirty minutes later than the permitted hours quoted above.

Regulated Entertainment:

Permitted as follows Monday to Sunday:

- (a) Indoor Sporting events (pub games) & facilities for making music – 10.00 – 00.30.
- (b) Film exhibition for music videos & amusement machines – 10.00 – 01.00 (Non-standard hours extended by 30 minutes).
- (c) Recorded music (including DJ and karaoke) – 10.00 – 01.00 (Non-standard hours extended by 30 minutes).
- (d) Anything of a similar description as (c) above - 10.00 – 01.00.
- (e) Dancing facilities – 10.00 – 00.30 (Non-standard hours extended by 30 minutes).

Live music – on no more than four occasions in a 12-month period 10.00 – 00.30.

Subject to the following conditions (in addition to mandatory conditions):

- i) Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises between the hours of 23.00 and 10.00.
- ii) On no more than 4 occasions in a 12 month period, live music shall be permitted from 10.00 – 00.30.

Reasons for Decision: The Sub-Committee has granted the application and variation of a Premises Licence subject to the conditions and hours specified, having taken into account the evidence available, regulations and guidance under the Licensing Act 2003 and the licensing objectives.

In order to address the public nuisance concerns a condition is imposed to minimise disturbance to residents in the vicinity of the premises in relation to noise and a limit placed on the number of occasions on which live acts can perform.

Date of Decision: 8 August 2005.

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act.

If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.